

1859-006 Chancery Causes: John E. Burk vs. William R. Orr
Lee Co.

CA - Debt

T - Property

Virginia:

To the Worshipful County Court of Lee County,
in Chancery sitting, the bill of complaint of John
E. Burke, of said County, respectfully shews:

That at the term of the County Court of said County
held in March 1859 he obtained a judgment against
a certain William R. Orr, of Lee County, in an
action of debt, for the sum of \$151.38 with legal
interest thereon from the 31st day of December 1856 till paid,
and the costs of the said suit amounting to \$6.51.
An execution of fieri facias was issued thereon,
which has been returned "no property found". The
said debt was a part of the price of a tract of
land, containing about sixty five acres, situated
in Lee County, adjoining the land of Alexander Orr,
which your orator sold to the said Orr. Your orator
has not yet conveyed the said land to the said Orr;
expecting the payment of the said sum of money, which
would have completed the payment of the purchase money,
he prepared a deed to be delivered to said Orr, but
he has never yet delivered it as the money has not been
paid. He exhibits herewith the said deed, which shews
the situation & boundary of said land. Your Orator,
being unable to make the amount of said judgment
any other way, is compelled to resort to the lien he
has as vendor of the land, and to ask the aid of
a Court of Chancery to enforce it.

The prayer of your orator therefore is, that the said
William R. Orr be made a party defendant to this bill,
and be required to answer the same truly on oath;
that your worships will, by your decree in the premises,
subject the said land, or so much thereof as may be
necessary, to sale for the payment of the said judgment;
and that your worships will extend to him such other
and general relief as may consist with equity and

be suited to his case. May it please your worship to
grant the Comraeth's writ of Shā, directed &c.

Johnston, for
Compt. R.

W. J. J.

John E. Brink

W. } Rice - chg.

Wm R. Orr

1857 Aug: Bill filed
" Sept. Decree nisi
" Oct. Continued
" Nov. Continued
" Nov. Term on motions
for hearing.
" Nov. Term. Decree



a. 2. 83 to Nov 1859 chd
a. 5. 00
y. 1. 00
s. 50
all c. 83

C. Court A. Gued

all chd including order of dissolution

John E. Burk vs. Wm R. Orr - Chy.

This cause came on this day to be heard on the bill of the
of the complt, the exhibit filed, & was argued by counsel;
And it appearing, that the sp^a in this cause has been served
on the defendant and that more than one month since the
return thereof has elapsed, and he has still failed to
appear and answer the complt's bill, it is ordered that the
same be taken for confessed; It is therefore adjudged,
ordered, and decreed, that the lien of the complt as the
vendor to the def^t of the tract of land in the bill mentioned
& described in the deed filed with said bill for the amount
of the judgment in the bill mentioned may be enforced; &
for that purpose it is ordered and decreed, that unless
the defendant shall pay to the complt the amount of the
said judgment ~~and the costs of this suit~~ before or on the 1st day of January next,

Peter C. Johnston, who is hereby appointed a Commissioner
for the purpose, shall sell the said tract of land at public
sale, to the highest bidder, for ready money, at the front
door of the Court House of this County, on some Court day,
having previously advertised the time & place of such sale
for at least thirty days previous thereto at the front door
of the Court House of this County, and report his proceedings
to this Court; And it is further adjudged, ordered, and
decreed, that the Compl^t recover against the def^t his
costs of this suit.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

William R Orr

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1st Monday*
in August 1859 — — — — — to answer

a bill in Chancery exhibited in our said Court against *him* by *John E Burk*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this

14th day of *July*

1859, in the *8th* year of the Commonwealth.

H. J. Morgan, Clk.

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John E. Buel

vs Spain Chy

Wm R. Orr

Aug Rules 1859

July the 28th 1859

Executed

J. J. Paul